

DOCKET NO. FST-CV-155014808-S)	SUPERIOR COURT
)	
WILLIAM A. LOMAS)	JUDICIAL
)	DISTRICT OF
)	STAMFORD/
)	NORWALK
)	
Plaintiff,)	
v.)	
)	AT STAMFORD
PARTNER WEALTH MANAGEMENT, LLC)	
ET AL.)	
)	November 30, 2015
Defendants.)	

**PLAINTIFF’S OBJECTIONS TO DEFENDANTS’
FIRST SET OF DOCUMENT REQUESTS**

Pursuant to §§ 13-9 and 13-10 of the Connecticut Practice Book, Plaintiff William A. Lomas (“Lomas”), through his attorneys, object to the Document Requests, dated, October 30, 2015 (the “Requests”), served by the defendants, Partner Wealth Management, LLC (“PWM”), Kevin G. Burns, James Pratt-Heaney and William Loftus (the “Individual Defendants” and, together with PWM, “the Defendants”). In addition to his general objections, Lomas specifically objects to Document Requests No. 1, 4, 5, 9, 12, 14, 15, 16, 16 [sic].

Lomas reserves the right to amend and/or supplement his objections to these Requests consistent with further investigation and discovery.

GENERAL OBJECTIONS

1. Lomas objects to these Requests (including the “Definitions” and “Instructions”) to the extent that they purport to impose any obligation beyond that required by the Connecticut Practice Book.

2. Lomas objects to each Request to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other rule of privilege or confidentiality provided by law.

3. Lomas objects to each Request to the extent that it seeks the identification or production of “all” information or documents, or the like, on grounds that such a Request is unduly burdensome and overly broad. Unless otherwise indicated, Lomas will produce relevant, non-privileged, responsive documents in his possession, custody, or control.

4. Lomas objects to each Request to the extent it seeks documents that are as readily available to the Defendants and/or can be obtained by the Defendants with less burden and expense than they can be obtained by Lomas.

5. Lomas objects to each Request to the extent that it seeks information neither relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence pursuant to Practice Book § 13-2 and the Code of Evidence § 4-8(a).

6. Lomas objects to each Request insofar as: (a) it seeks information or documents that are unreasonably cumulative or duplicative, or that may be obtained from some other source that is more convenient, less burdensome, or less expensive; and/or (b) compliance would be unduly burdensome or excessively costly.

7. To the extent that Lomas responds to these Requests, such responses should not be construed as a representation or admission that the information provided in the response is relevant or admissible at trial.

8. Lomas objects to the extent that any Request implies the existence of facts or circumstances not of record or that do not exist, and to the extent that any Request assumes a legal conclusion. By responding, Lomas does not admit any factual or legal assumptions contained in any Request.

9. Lomas objects to Instruction Nos. 19 and 20 to the extent they require Lomas to include information on any privilege log or to provide any other information that goes beyond the obligations of a party responding to discovery requests under the Connecticut Practice Book. Lomas will prepare a privilege log consistent with his obligations under the Connecticut Practice Book.

10. In responding to these Requests, Lomas does not waive the foregoing general objections, nor does he waive the specific objections that are set forth in the responses to the individual Requests below. By providing information or documents in response to the Requests, Lomas does not concede that the information or documents are reasonably calculated to lead to the discovery of admissible evidence. Lomas expressly reserves the right to object to further discovery into the subject matter of these Requests, to object to the introduction into evidence of any portion thereof, and to supplement or amend his responses.

12. Lomas incorporates by reference the foregoing general objections into each response set forth below.

DOCUMENT REQUESTS

Notwithstanding Lomas' objections as set forth above and hereafter, unless otherwise indicated, Lomas will produce relevant, non-privileged, responsive documents in his possession, custody, or control by December 18, 2015, as sought in Plaintiff's Request to Extend Time to Respond to Defendants' First Set of Interrogatories and Document Requests.

REQUEST NO. 1:

All documents which you believe support your claim that the Individual Defendants breached the Original Operating Agreement.

OBJECTION TO DOCUMENT REQUEST NO. 1:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent it seeks documents that are not relevant to the claims or parties at issue and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Lomas objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protections shall not be deemed a waiver thereof.

REQUEST NO. 2:

All documents concerning the negotiation and adoption of the Original Operating Agreement in or around October and November 2009, including without limitation, communications among the members of PWM, PWM or the attorney representing PWM in connection with the negotiation of the Original Operating Agreement, drafts of the Original

Operating Agreement and any resolution, consent or other writing adopting or approving the Original Operating Agreement.

OBJECTION TO DOCUMENT REQUEST NO. 2:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 3:

All documents or communications which in any way restricted the ability of PWM members from amending the Original Operating Agreement in connection with adopting the Restated Operating Agreement.

OBJECTION TO DOCUMENT REQUEST NO. 3:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

REQUEST NO. 4:

All documents concerning the drafting, negotiation and adoption of the amendment to Article V of the Original Operating Agreement adopted as of May 1, including without limitation, all communications among any of the members of PWM, PWM, Jeffrey Fuhrman and PWM's attorney concerning the amendment, drafts of the amendment and any resolution, consent or other writing adopting or approving the Original Operating Agreement.

OBJECTION TO DOCUMENT REQUEST NO. 4:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request as it is vague and incomprehensible.

REQUEST NO. 5:

All documents concerning the negotiation, drafting or adoption of the Restated Operating Agreement, including without limitation, any communications concerning the Restated Operating Agreement among any of the members of PWM, Jeffrey Fuhrman, PWM or PWM's attorneys, drafts of the Restated Operating Agreement and any resolution, consent or other writing adopting or approving the Restated Operating Agreement.

OBJECTION TO DOCUMENT REQUEST NO. 5:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protections shall not be deemed a waiver thereof. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 6:

Any documents other than the Original Operating Agreement or the Restated Operating Agreement that evidences an agreement among two or more of the members of PWM that would directly or indirectly affect the governance of PWM or the manner in which the members of PWM or the Management Committee of PWM made decisions, including without limitation, any voting agreement.

OBJECTION TO DOCUMENT REQUEST NO. 6:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 7:

All documents which you believe support your claim that any of the Individual Defendants individually or in the aggregate owed a fiduciary duty to you.

OBJECTION TO DOCUMENT REQUEST NO. 7:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 8:

All documents which you believe support your claim that any of the Individual Defendants individually or in the aggregate breached a fiduciary duty owed to you.

OBJECTION TO DOCUMENT REQUEST NO. 8:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 9:

All documents concerning your consideration of and statements concerning your potential withdrawal as a member of PWM in or about March and April 2013, including without limitation, communications among any of the members of PWM.

OBJECTION TO DOCUMENT REQUEST NO. 9:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by

such protections shall not be deemed a waiver thereof. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 10:

All documents concerning the consulting services provided by FA Insight, including without limitation, any communications among or between the LLBH, PWM, the member of PWM and FA Insight, any retention agreements with FA Insight and any written report or advice provided by FA Insight to LLBH, PWM or the members of PWM.

OBJECTION TO DOCUMENT REQUEST NO. 10:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 11:

All documents concerning any communications among Focus or LLBH and PWM or its members relating to the acquisition of any portion of a membership interest in PWM held by such member, including any offer, consideration of an offer or the price at which Focus or LLBH was willing to acquire all or a portion of a membership interest in PWM held by such member.

OBJECTION TO DOCUMENT REQUEST NO. 11:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 12:

All documents concerning your consideration of and statements concerning your withdrawal as a member of PWM in or about October 2013, including without limitation, communications among any of the members of PWM or with any other person.

OBJECTION TO DOCUMENT REQUEST NO. 12:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request as it is vague and incomprehensible.

REQUEST NO. 13:

All documents related to the December 18, 2014 meeting at which the members of PWM, Jeffrey Fuhrman and David Lagasse discussed the Restated Operating Agreement, including without limitation, all notes, transcriptions or electronic recordings.

OBJECTION TO DOCUMENT REQUEST NO. 13:

Lomas incorporates his General Objections set forth above as though fully set forth herein. Lomas further objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

REQUEST NO. 14:

All personal or business calendars, diaries, time entries or other records that show or reflect your scheduled work activities for the period between January 1, 2014 and January 13, 2015.

OBJECTION TO DOCUMENT REQUEST NO. 14:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it seeks documents that are not

relevant to the claims or parties at issue and not reasonably calculated to lead to the discovery of admissible evidence. Defendants do not intend to produce documents responsive to this Request.

REQUEST NO. 15:

All documents concerning any communications, including, but not limited to, notes, memoranda, emails, phone records and electronic recordings, between you and any present or former client listed on Schedule E of the Partner Wealth Management LLC Limited Liability Company Agreement dated January 1, 2015 from January 13, 2015 through the present.

OBJECTION TO DOCUMENT REQUEST NO. 15:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it seeks documents, specifically phone records, that are not relevant to the claims or parties at issue and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Lomas objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants and to the extent this Request is vague, overly broad, and unduly burdensome. Defendants do not intend to produce documents responsive to this Request.

REQUEST NO. 16:

All communications including, but not limited to, witness statements, affidavits, letters, correspondence, notes, and notes of conversations, which constitute evidence or reflect any communications between you and any person or entity regarding the allegations set forth in the Complaint.

OBJECTION TO DOCUMENT REQUEST NO. 16:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it seeks information protected

from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protections shall not be deemed a waiver thereof.

REQUEST NO. 16 [SIC]:

All documents not otherwise produced pursuant to Request Nos. 1 through 16 that regard, refer and/or relate to the subject matter of this Action and/or any of the allegations contained in the Complaint.

OBJECTION TO DOCUMENT REQUEST NO. 16 [SIC]:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent it seeks documents that are not relevant to the claims or parties at issue and not reasonably calculated to lead to the discovery of admissible evidence. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protections shall not be deemed a waiver thereof. In addition, Lomas objects to this Request to the extent documents responsive to this Request are already in the possession of the Defendants.

Dated: November 30, 2015
Hartford, Connecticut

THE PLAINTIFF,
WILLIAM A. LOMAS

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CERTIFICATE OF SERVICE

This is to certify that on November 30, 2015, a copy of the foregoing was served by e-mail and first class mail, postage prepaid, to all counsel of record as follows:

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/s/Thomas J. Rechen
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